REMARKS

Claims 1-18 are pending in the application. Claims 1, 7 and 14-16 have been amended by way of the present amendment. Reconsideration is respectfully requested.

In the outstanding Office Action, claims 1-18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent No. 6,277,026 (Archer) in view of US Patent Publication No. 2003/0009375 (Stoltz et al).

Claim 103 Rejections

Claims 1-18 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Archer in view of Stoltz et al. Applicants respectfully traverse the rejection.

Claims 1, 7 and 14-16 have been amended to clarify the invention. In particular, the claims have been amended to clarify and consistently indicate that access to a "subscription purchasing service" is provided to pre-registered users (i.e., members). Support for the amendments is provided at least in paragraphs **[0029], [0045], and [0046] and [0062]**; and shown at least in Figure 1, reference **52**, of the published application.[1] Therefore, the amendments raise no question of new matter.

To establish *prima facie* obviousness of a claimed invention, all the claim recitations must be taught or suggested by the prior art. *In re Royka.*[2] All words in a claim must be considered in judging the patentability of that claim against the prior art. *In re Wilson.*[3] (MPEP § 2143.03). When evaluating the scope of a claim, every recitation in the claim must be considered. See e.g. *In re Ochiai.*[4] (MPEP § 2144.08). It is respectfully submitted that the evidentiary record fails to teach each recitation of the present invention. Specifically, the

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[1] United States Patent Application Publication US 2003/0023547.
[2] *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).
[3] *In re Wilson*, 424 F.2d 1382, 165 USPQ 496(CCPA 1970).
[4] *In re Ochiai*, 71 F.3d 1565, 37 USPQ2d 1127 (Fed. Cir. 1995).

references individually or in combination fail to teach that access to a "subscription purchasing service," as recited in the claims, is provided to pre-registered users (i.e., members).

Archer discloses a system and method for facilitating the sale of a lottery ticket online that includes a data storage system and a data processing system.[5] In addition, Archer discloses a system **100** that includes a network such as the Internet **102**, an ISP **104** which has been authorized by a lottery commission (e.g., a state-run lottery commission or authority) to act as a lottery service provider (LSP), an ISP **112**, lottery commission systems **118** which may be operated by a state-run lottery commission, and an exemplary user population further including users **108, 110, 114, and 116**.[6] Further, Archer discloses a method, carried out within the system **100**, to facilitate the purchase and sale of lottery tickets online.[7]

In particular, Archer discloses that a user will point his browser software to a lottery service provider (LSP) **104** managed web site to purchase a lottery ticket online and will select a page or option indicating his desire to purchase a lottery ticket online.[8] Further, Archer discloses presenting a verification web form to the user for him to verify personal data (e.g., name and address, payment data, lottery ticket entry value, etc.) and whether the user validated the lottery ticket purchase information.[9] Furthermore, Archer disclose that the LSP 104 will verify the user's payment method.[10]

Furthermore, Archer discloses making a determination as to whether a match exists between a user's personal identification information (e.g., his personal profile data and secure lottery ticket purchase code) that is consistent with a winning ticket. This matching operation involves the determination if a previously stored secure lottery ticket purchase code within LSP

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[5] Archer at ABSTRACT.
[6] *Id.* at FIG. 1; column 4, lines 54-63.
[7] *Id.* at FIG. 4A to FIG. 4E; column 7, lines 37-47.
[8] *Id.* at FIG. 4A; column 7, lines 54-59.
[9] *Id.* at FIG. 4B; column 8, lines 40-47.
[10] *Id.* at column 8, lines 49-51.

104 is the same as a alleged code (which may be referred to as a "request code") proffered by a person seeking to collect on winning lottery amount. [11]

> However, Archer nowhere discloses, as recited in independent claim 1:
>> querying users for their sign-in identification to *establish whether they are pre-registered user members or non-members*; presenting pre-registered user members with a choice of member functions and content including *providing access to a subscription purchasing service*; presenting non-members with a choice of *non-member functions and content*; (emphasis added).

Though, as discussed above, Archer discloses "verifying a user's payment method" and making "a determination as to whether a match exists between a user's personal identification information (e.g., his personal profile data and secure lottery ticket purchase code) that is consistent with a winning ticket," these methods are applied whether the user is a "member" or non-member. That is, it is respectfully submitted that the methods of Archer do NOT disclose establishing whether users are "members" or "non-members," and do NOT discloses "member functions and content" and "non-member functions and content," as recited in claim 1.

> Further, Archer nowhere discloses "providing access to a subscription purchasing service," as recited in claim 1. In addition to claim 1, it should be noted that claims 6, 7, 12 and 14-16 also explicitly include limitations directed to "subscription purchasing services" that are not disclosed by Archer.

> The outstanding Office Action acknowledges deficiencies in Archer and attempts to compensate for these deficiencies with Stoltz et al.[12] However, as discussed below, Stoltz et al. cannot overcome all of the deficiencies of Archer.

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[11] *Id.* at FIG. 5B; column 10, lines 8-19.
[12] Outstanding Office Action at page 3, line 17.

Stoltz et al. discloses a method for managing a public lottery and more particularly to a method under the control of a computer system which is connected to a telecommunication system, *said telecommunication system having subscribers* (emphasis added).[13] In particular, Stoltz et al. discloses identifying telecommunication system subscribers by means of a subscriber identifier in the telecommunication system, sending to the connected subscriber a menu of selection information from the computer system, receiving by the computer system selection information in response to a selection action of the subscriber, assigning a unique identification code to the connected subscriber on the basis of the subscriber identifier, sending the unique identification code to the connected subscriber, said code forming a code for a unique lot in the lottery.[14]

However, Stoltz et al. nowhere discloses, as recited in independent claim 1:

> presenting pre-registered user members with a choice of member functions and content including *providing access to a subscription purchasing service*;
> presenting non-members with a choice of *non-member functions and content*; (emphasis added).

Though, as discussed above, Stoltz et al. discloses "sending to the connected subscriber a menu of selection information from the computer system," it is respectfully submitted that this method does NOT correspond to establishing whether users are "members" or "non-members," and nowhere discloses "non-member functions and content," as recited in claim 1. That is, in contrast to the claimed invention, Stoltz et al. nowhere discloses establishing whether users are "non-members" or "presenting non-members with a choice of "non-member functions and content."

Further, as discussed above, though Stoltz et al. discloses a "telecommunication system having subscribers," it is respectfully submitted that Stoltz et al. nowhere discloses "presenting pre-registered user members with a choice of member functions and content *including providing access to a subscription purchasing service*," as recited in claim 1 (emphasis added).

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[13] Stoltz et al. at ABSTRACT.

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Furthermore, as discussed above, <u>Stoltz et al</u>. discloses "identifying telecommunication system subscribers," assigning a unique identification code to the connected subscriber," and "said code forming a code for a unique lot in the lottery." However, <u>Stoltz et al</u>. does not disclose "including providing access to a subscription purchasing service. Moreover, it should be noted that claims 6, 7, 12 and 14-16 also explicitly include limitations directed to "subscription purchasing services" that are not disclosed by <u>Stoltz et al</u>.

In accordance with the discussion above, <u>Stoltz et al</u>. cannot overcome all of the deficiencies of <u>Archer</u>. Therefore, it is respectfully submitted that neither <u>Archer</u> nor <u>Stoltz et al</u>., whether taken alone or in combination, disclose, suggest or make obvious the claimed invention and that claims 1, 6, 7 and 12, and claims dependent thereon, patentably distinguish thereover.

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[14] *Id.* at paragraph **[0005]**.

Conclusions

In view of the foregoing, Applicant believes the application is in condition for allowance and favorable reconsideration is requested. If a fee is due, please charge our Deposit Account No. 22-0185, under Order No. 22051-00002-US1 from which the undersigned is authorized to draw.

Dated: July 21, 2006   Respectfully submitted,

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